State of California
Business, Transportation & Housing Agency
Department of Transportation

ENVIRONMENTAL MATTERS
Environmental Documents Related to
Commission Action on Current Agenda
4-SCl-101 22.9/24.1
Action Item

Prepared by:
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CTC Meeting: July 19-20, 2000

Agenda Item: 2.2d

Original Signed By
W. J. EVANS, Deputy Director
Finance
July 1, 2000

REVIEW OF ENVIRONMENTAL DOCUMENTS RELATED TO COMMISSION ACTIONS ON THE CURRENT AGENDA

ADOPT FINDINGS FOR A NEW PUBLIC ROAD CONNECTION ROUTE 101 IN SANTA CLARA COUNTY

RECOMMENDATION

The Department of Transportation recommends that the California Transportation Commission, as a responsible agency, approve the attached Resolution E-01-3.

SUMMARY AND CONCLUSIONS

This resolution proposes to adopt the Findings and Statement of Overriding Considerations to allow approval of a new public road connection for the following project for which an Environmental Impact Report has been completed:

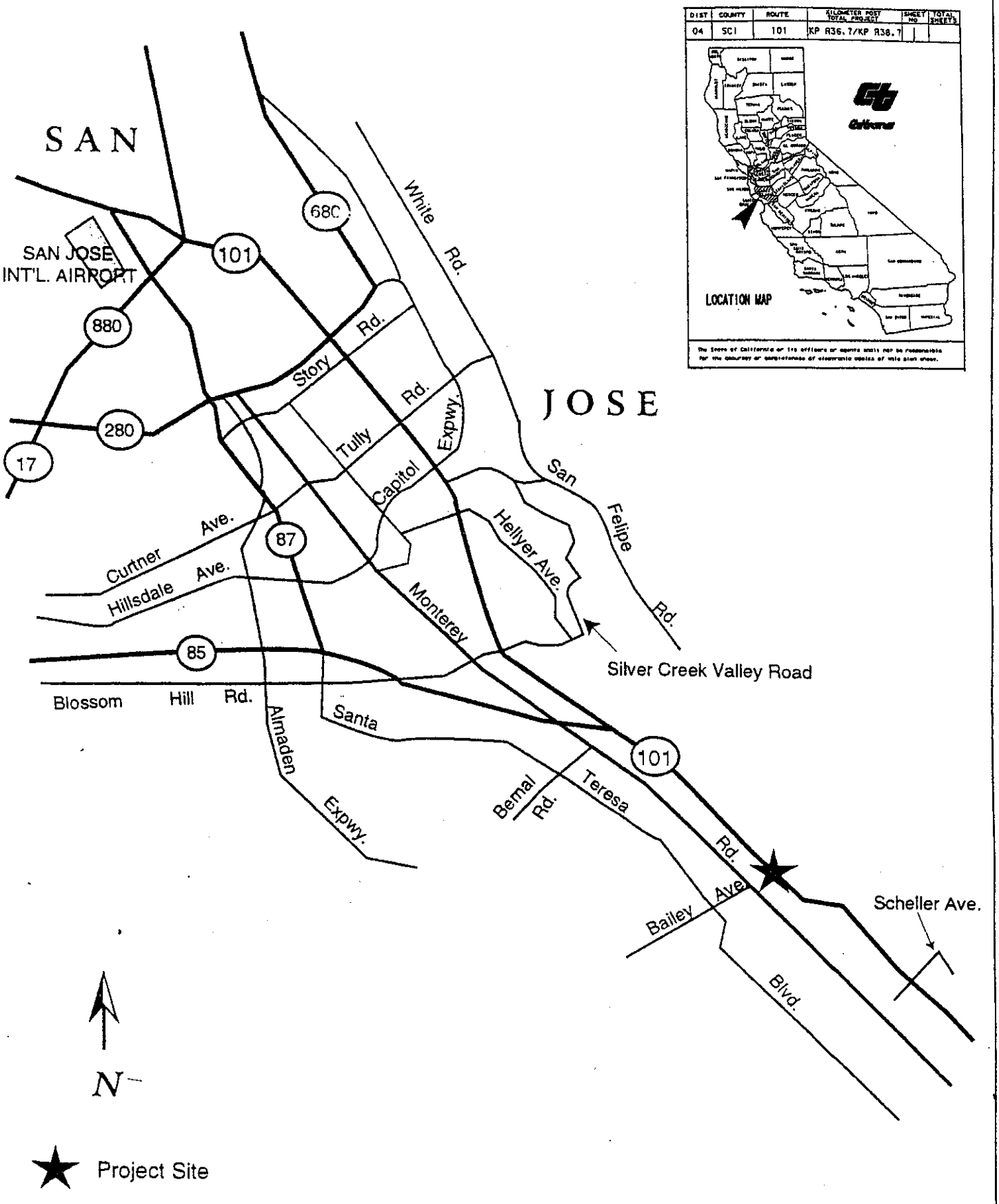
- Santa Clara County- Construct an interchange on Route 101 at Bailey Avenue in the City of San Jose.

The total cost for the combined projects has been estimated at $45.0 million (capital and support costs). Funding will be from $22.5 million in local funds (City of San Jose), $18.0 million in Interregional Improvement Program (IIP) state-only funds, $4.5 in Santa Clara Valley Transportation Authority (VTA) local funds.

The approved Environmental Impact Report has been transmitted to Commission staff.

This approval and the resulting filing of the Notice of Determination with the Office of Planning and Research will satisfy the environmental requirements for this stage of the project planning process.

Attachment



REGIONAL MAP

FIGURE 1

RESOLUTION NO. 68705

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOSE MAKING CERTAIN FINDINGS CONCERNING IMPACTS AND MITIGATION MEASURES, IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR U.S. 101/BAILEY AVENUE INTERCHANGE, MONTEREY ROAD/BAILEY AVENUE INTERCHANGE AND BRIDGE AND OVERCROSSING PROJECT FOR WHICH AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE:

WHEREAS, the City Council intends to approve construction of the Bailey Avenue Extension, U.S. 101/Bailey Avenue Interchange, Monterey Road/Bailey Avenue Interchange and related bridge Project ("Project"); and

WHEREAS, on November 20, 1991, the Planning Commission of the City of San Jose certified that the Final Environmental Impact Report ("FEIR") for the U.S. 101/Bailey Avenue Interchange, Monterey Road/Bailey Avenue Interchange, and Related Bridges and Overcrossings Project, and subsequently an Addendum to the Final EIR was completed in January 1999 specifically for the Bailey Avenue Project in accordance with the requirements of the California Environmental Quality Act of 1970, as amended, ("CEQA"); and

WHEREAS, the City Council of the City of San Jose is the decision-making body for the approval of public infrastructure improvements within the City; and

WHEREAS, CEQA requires that in connection with the approval of a Project for which an EIR identifies one or more significant environmental effects, the decision-making agency must make certain findings regarding those effects;

NOW, THEREFORE, BE IT RESOLVED:

THAT THE CITY COUNCIL does hereby find that it has independently reviewed and analyzed the FEIR, the Addendum to the FEIR, and other information in the record and has considered the information contained therein including the written and oral comments received at the public hearings on the FEIR and on the Project, prior to acting upon or approving the Project, and does hereby find that the FEIR and the Addendum to the FEIR represent the independent judgment of the City of San Jose as Lead Agency for the Project, and designates the Director of Planning, Building and Code Enforcement at his office at 801 North First Street, Room 400, San Jose, California 95110, as the custodian of documents and records of proceedings on which this decision is based; and

THAT THE CITY COUNCIL does hereby make the following findings with respect to the significant effects on the environment of the Project, as identified in the FEIR and the Addendum:

I. LAND USE

A. Land Use/Relocation

1. **Impact:** The Bailey Avenue overcrossing at Monterey Road would result in the displacement of an occupied mobile home at the southwest quadrant of the intersection.

2. **Mitigation:** The loss of the mobile dwelling would be mitigated under the existing City program for Housing Relocation Assistance.

3. **Finding:** The implementation of these mitigation measures, as identified in the Final EIR, would reduce the significant land use/relocation impacts to a **less than significant level.**

B. Public Facilities and Utilities

1. **Impact:** The proposed Project would necessitate the relocation of portions of Santa Clara Valley Water District Coyote Canal and the County Parks Department's bicycle/hiking path which traverse the future right of way. During construction, the relocation of existing utilities such as power and telephone lines would be necessary. In addition, an existing septic system, fuel tanks, and an existing well may be located within the proposed Bailey Avenue right-of-way along the Lester property frontage which could be subject to impacts during construction activities.

2. **Mitigation:** The restoration of the public facilities would be undertaken as part of Project construction, in cooperation with the responsible agencies. Whenever possible work that would affect utilities would be restricted to periods of low demand to minimize impact on the users. In order to maintain continued operation of the Coyote Canal through the Bailey Avenue/ U.S. 101 freeway interchange temporary diversions would be required at the future inlet and outlet locations to permit construction of new headwalls.

   If necessary, the septic system may be abandoned pursuant to the City of San Jose's Standard Specifications. Any required removal of fuel tanks from the Lester property would proceed in accordance wit the City of San Jose's Hazardous Materials Storage Permit Ordinance. The abandonment and capping of the well would require the approval of the Santa Clara Valley Water District.

3. **Finding:** The implementation of these mitigation measures. as identified in the Final EIR, would reduce the significant land use impacts to a **less than significant level.**

C. **Loss of Agricultural Land**

1. **Impact:** The Project would convert 28.3 acres of prime agricultural land to non-agricultural uses.

2. **Finding:** No feasible mitigation is available that would fully mitigate the Project's significant impact on agricultural resources. This impact is considered to be a **significant unavoidable impact.**

D. **Construction Impacts**

1. **Impact:** During construction of the bridge across Coyote Creek, some interruption of the use of the existing hiking/biking path along the east bank of the creek would occur. Construction activity would result in short-term traffic, access, and noise impacts.

2. **Mitigation:** The construction phasing plan would include provisions to minimize the period of interrupted use of the hiking/biking path. In addition, the construction contract documents would include standard measures to reduce dust, noise and erosion.

At the Bailey Avenue/ U.S. 101 interchange, some traffic rerouting would be required during construction of the bridge over U.S. 101. Restriping and placement of temporary barricades would be required on the mainline freeway during some portions of the construction period and the freeway would be closed during the placement and removal of false work for construction of the bridge deck, requiring a temporary traffic detour to Monterey Road to the west.

At the Bailey Avenue/Monterey Road interchange, Bailey Avenue would be closed to traffic for the duration of construction to accommodate the placement of ramp fills on the existing Bailey Avenue. Given the infeasibility of relocating the railroad grade crossing around the fills until the overcrossing is completed, traffic would be diverted to alternate routes to the north and/or south. Additionally, the narrow median on Monterey Road would require restriping of the travel lanes and placement of temporary barriers to permit construction of the central support columns for the grade separation crossing. Monterey Road would be closed and traffic detoured to Santa Teresa Boulevard during the placement and removal of falsework and box girders for construction of the bridge deck.

To minimize impacts on emergency services, local agencies would be kept informed in advance of any major changes in the local street network to ensure that alternative response patterns could be established.

Temporary noise impacts would be reduced by limiting construction in the vicinity of residences and other sensitive receptors to daytime hours between 7:30 a.m. and 5:00 p.m.

3. **Finding:** With the inclusion of the mitigation program described above, potential impacts from construction would be reduced to **a less than significant level.**

II. GEOLOGY AND SOILS

A. Soils and Geologic Hazards

1. **Impact:** An existing landslide on the east side of the proposed freeway interchange at Bailey Avenue could have the potential impact of causing distress to the proposed Santa Clara Water District culvert and maintenance access road.

2. **Mitigation:** The landslide mass would be removed, and the fill below the proposed box culvert would be keyed and benched in accordance with State specifications.

3. **Finding:** The implementation of these mitigation measures, as identified in the Final EIR, would reduce the significant soils and geologic impacts to a **less than significant level.**

B. Seismic Impacts

1. **Impacts:** The majority of the floor of Coyote Valley is underlain by alluvial soils with a high potential for liquefaction. Lateral spreading could occur along creek channels. In addition, portions of the Project Area are within the potential inundation zone should Anderson Reservoir dam fail during an earthquake. Ground shaking during a large-magnitude earthquake could result in seismically induced settlement of fills and embankments, and would cause stress to bridge structures. No active or potentially active faults are known to underlay the proposed bridges, overpasses or approach ramps. The nearest approach of any fault is the potentially active Coyote Creek fault zone, which passes a few hundred feet northeast of U.S. 101. A previously unknown fault could rupture the ground surface and displace roadway surfaces and structures.

2. **Mitigation:** Seismic hazards to the proposed Project will be mitigated by utilizing design and construction practices in accordance with the recommendations of a site specific geotechnical analysis and City and Caltrans standards. Damage can be minimized by proposed engineering and construction of fills, embankments and structures.

3. **Finding:** The implementation of the measure described above would reduce the Project's seismic impacts to a **less than significant level.**

III. DRAINAGE, FLOODING & WATER QUALITY

A. Flooding and Drainage

1. **Impact:** The piers required for the bridge across Coyote Creek at Bailey Avenue would be located within the 100-year floodway of Coyote Creek, and would potentially result in a small decrease in flood conveyance capacity of the creek channel during a major flood event.

2. **Mitigation:** The loss of channel capacity would be compensated for by excavation and removal of approximately 1,000 cubic yards of material from the floodway in the vicinity to provide additional conveyance just downstream of the bridge.

3. **Finding:** The implementation of these mitigation measures, as identified in the Final EIR, would reduce the significant Flooding and Drainage impacts to a less than significant level.

B. **Water Quality**

1. **Impact:** During grading and construction, exposed soils are subject to erosion, potentially resulting in increased turbidity and sedimentation in Coyote Creek, with potentially negative effects on aquatic organisms, riparian vegetation and hydraulic capacity of the Creek. The Project in conjunction with other non-point sources in the Coyote Creek basin could cumulatively contribute to the gradual degradation of water quality in Coyote Creek and South San Francisco Bay.

2. **Mitigation:** Erosion and siltation potential during construction would be minimized through the implementation of Erosion Control Plans to be incorporated into the construction contracts, and the requirements of the Department of Fish and Game in conjunction with the Streambed Alteration Agreement required for any work within the channel.

The Project will obtain and conform to the requirements of the General NPDES Construction Activity Stormwater Permit administered by the Regional Water Quality Control Board. Best management practices would be included in the Project to limit urban runoff contaminants from entering storm drains. Prior to construction grading the applicant will file a Notice of Intent (NOI) to comply with the General Permit and prepare a Storm Water Pollution Prevention Plan (SWPPP) which addresses measures that will be included in the Project to minimize and control construction and post-construction runoff.

a) The project grading plans will conform to the drainage and erosion control standards adopted by the City of San Jose.

b) As part of the mitigation for post-construction runoff impacts addressed in the SWPPP, the project will implement regular maintenance activities (i.e., damp sweeping, cleaning storm water inlets, litter control) at the site to prevent soil, grease, and litter from accumulating on the project site and contaminating surface runoff. Storm water catch basins will be stenciled to discourage illegal dumping.

c) The site will also be required to comply with the City's post-construction storm water runoff requirements. Measures such as storm drain inlet filters (oil/water filter, fossil filter, etc.) will be used to limit contamination of urban runoff.

d) The project's drainage system shall include storm water prevention measures such as swales or filter inlets.

3. **Finding:** The implementation of these mitigation measures, as identified in the Final EIR, would reduce the significant Water Quality impacts to a less than significant level.

IV. BIOLOGICAL RESOURCES

A. Riparian Impacts

1. **Impact:** The construction of the new bridge over Coyote Creek would result in the removal of approximately 0.05 acres of riparian woodland along the banks of the creek.

2. **Mitigation:** Construction practices to minimize disturbance and removal of riparian woodland along the creek channel would be implemented including limiting the construction zone for the bridge to a 10-foot limit on both sides of the bridge. To compensate for loss or disturbance of riparian habitat, new riparian habitat would be created in the vicinity of where the roadway would cross the creek. Upland areas on the east side of the creek totaling 2.75 acres would be planted with replacement trees at a 5 to 1 replacement ratio. The mitigation site would be prepared in the Fall and planted just prior to water being diverted into the creek in January in cooperation with the Department of Fish and Game, the Santa Clara Valley Water District and Santa Clara County Department of Parks and Recreation.

   All disturbed bank faces are to be covered with degradable erosion control fabric and replanted with native seed mixture by hydroseeding and container grown plants. All disturbed areas not lying within the mitigation site described above are to be re-vegetated with native species that are appropriate to the specific site area on which they are occupied.

3. **Finding:** The implementation of this mitigation measure would reduce the impact to riparian woodland to a **less than significant level.**

B. Mature Trees

1. **Impact:** The Project would result in the removal of ordinance sized trees.

2. **Mitigation:** Trees would be replaced in the non-riparian areas according to the City's standards. . Ordinance sized trees removed will be replaced at a minimum ratio of 4:1, with trees in 24-inch box size, or larger, containers. The removal of trees from the riparian area would require additional replacement planting in accordance with the riparian mitigation plan, including conformance with the City of San Jose landscaping guidelines. Other trees not removed by the project would be protected during construction by temporary fencing around the dripline to prevent damage to the trees or compaction of the soil beneath the tree canopies. Where construction activity under a portion of a tree canopy cannot be avoided, a layer of tree chips six to eight inches thick would be laid down to provide a cushion over the root zone.

3. **Finding:** The implementation of this mitigation measure would reduce the impact to trees to a **less than significant level.**

C. Impacts to Sensitive Species

1. **Impact:** There is a potential that the California Red-legged Frog, Steelhead Trout, and White-tailed Kite and other species protected under the Migratory Bird Treaty Act could be present in the Project area. Construction activities could impact these species.

2. **Mitigation:** Preconstruction surveys are included in the project to ensure that there would be no impacts to the White-tailed kite or other birds covered by the Migratory Bird Treaty Act. If birds are found during the nesting season, all construction would stop within a 50 foot radius, and a temporary fence shall be installed around the tree to ensure that there would be no impacts to nesting birds. The California Department of Fish and Game would be contacted to determine when work could resume.

Although no known Red-legged Frogs are known to inhabit the Project site, protocol level preconstruction surveys will be conducted to ensure the frog is not present. If frogs are found site specific mitigation measures would be prepared and submitted to the California Department of Fish and Game.

In order to ensure that the Steelhead Trout is not impacted, construction would take place in the creek channel when there are no surface flows (June 1st to October 15th). In addition, the low-flow of the creek will be conveyed through the construction site in an open channel to allow the passage of any fish which may be present. Construction activities in the creek shall be minimized and the creek channel will be restored after construction. Measures that would minimize sediment runoff include: 1) stabilizing disturbed areas as soon as possible with seeding or mulch, 2) protecting adjacent areas with vegetative buffer strips and sediment barriers, 3) preventing erosion from temporary conveyance channels and outlets, and 4), using sediment controls and filtration to remove sediment from water generated by dewatering or collected on site during construction.

3. **Finding:** The implementation of these mitigation measures, as proposed by the Project, would reduce impacts to sensitive species to a **less than significant level.**

D. **Mount Hamilton Thistle**

1. **Impact:** A small area of serpentine soil could be impacted by construction of the Bailey Avenue/101 interchange. This could result in possible loss of a small area of habitat for the Mount Hamilton Thistle, a California Native Plant Society 1B plant. This plant was observed during surveys in 1991 but could not be confirmed during surveys conducted in 1998.

2. **Mitigation:** Potential impacts to the thistle could be reduced by conducting pre-construction surveys. If the Mount Hamilton Thistle is present, the plant would be transplanted prior to construction by a qualified biologist, including the top soil that would be a potential seed source. Construction staging areas, construction yards or other high use areas would be restricted and would be kept to a minimum in areas that contain serpentine soil.

3. **Finding:** The implementation of these mitigation measures, as proposed by the Project, would reduce impacts to sensitive species to a **less than significant level.**

V. AIR QUALITY

1. **Impact:** Construction activities will produce short-term air quality impacts by generating dust from the demolition of small portions of the existing roadway and by the hauling, filling and grading needed to form the base for the new lanes.

2. **Mitigation:** During project construction, water trucks will sprinkle unpaved construction areas with non-potable water as often as needed to keep soil moist. This measure could reduce emissions by about 50%. In addition, Caltrans standards for dust suppression would be followed including provisions for temporary erosion protection with mulches, fiber mats, dust palliatives, etc, and for timely planting of slopes to permanently abate wind erosion etc.

3. **Finding:** The implementation of the above described mitigation measures would reduce the Projects temporary air quality impacts to a **less than significant level.**

VI. CULTURAL RESOURCES

1. **Impacts:** Grading and subsurface construction activities could result in significant impacts to subsurface cultural resources.

2. **Mitigation:** The following mitigation measures are included as part of the Project:

   a) All subsurface excavation would include archaeological monitoring. During construction a monitoring agreement shall be in operation that provides monitors with the recognized authority to halt and/or relocate construction work in the event of any significant discovery, in order to record, and if necessary, evaluate and recover important archaeological resources. The monitoring agreement shall contain provisions to catalog, curate, and report upon any materials recovered during monitoring.

   b) If human remains are discovered work shall be halted within 50 feet of the find and the Santa Clara County Coroner would be notified. The Coroner would determine whether or not the remains were Native American. If the Coroner determines that the remains are not subject to his authority, he would notify the Native American Heritage Commission, who would attempt to identify descendants of the deceased Native American.

   c) If the Director of Planning, Building and Code Enforcement finds that the archaeological find is not a significant resource, work would resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted.

3. **Finding:** With the inclusion of the mitigation program described above, potential impacts to subsurface prehistoric and historic archaeological resources would be reduced to a **less than significant level.**

VI. AESTHETIC AND VISUAL RESOURCES

1. **Impact:** The construction of the highway bridge over Coyote Creek would alter the rural setting within the Coyote Creek Park Chain by the introduction of structural elements, and by the removal of riparian vegetation along the creek.

2. **Mitigation:** The bridge would be designed to be as unobtrusive as possible by keeping the bridge spans and elevations to the minimum required. During construction, the zone of disturbance would be minimized to avoid unnecessary removal of riparian vegetation. Any removal of vegetation would be mitigated by replacement planting in conformation with tree mitigation developed by a qualified biologist.

3. **Finding:** With the inclusion of the mitigation program described above, potential aesthetic and visual impacts from construction would be reduced to a **less than significant level.**

VII. ALTERNATIVES TO THE PROPOSED PROJECT

A. NO PROJECT

Under this alternative, the proposed transportation Project would not be constructed. Portions of the alignment could continue to be farmed.

1. **Comparison to Project:** The No Project Alternative would avoid most of the Project's adverse environmental impacts, including loss of agricultural land. However, the Project area is planned for campus industrial uses. Under the No Project alternative, there would be no direct access to the North Coyote Valley Campus Industrial area. Without the interchange and extension of Bailey Avenue it is expected that traffic congestion would occur as the Project area becomes developed. If the Project is not constructed, the benefit of improving overall traffic levels in the vicinity of the Project site would not be gained.

2. **Finding:** The No Project Alternative is environmentally superior to the proposed Project, since it avoids most of the impacts of the Project; however, the No Project Alternative would not meet any of the Project's objectives such as the provision of an improved transportation/circulation system to serve existing and planned development in this immediate area. The No Project Alternative would constrain development within North Coyote Valley which does not meet any of the City's identified economic objectives or environmental objectives such as providing employment opportunities proximate to existing housing to reduce commute distances and improve the jobs/housing balance.

B. U.S. 101/SCHELLER AVENUE INTERCHANGE

Currently the interchange at Scheller Avenue only provides access to the landfill site at Kirby Canyon. No connection currently exists to provide access to the west and Coyote Valley. This alternative consists of constructing ramps and an access road to provide a full interchange with U.S. 101 and extend access westerly to Monterey Road.

1. **Comparison to the Project:** This alternative is not considered desirable from an operational standpoint because it is located too far south from the North Coyote Valley Campus Industrial Area to provide adequate access to the area for traffic coming from the north. Under the proposed Project the Bailey Avenue Interchange would serve traffic coming to the Project area from both the north and south. Since the major portion of the traffic entering North Coyote Valley is expected to come from the north, the elimination of the Bailey Avenue Interchange in favor of a southerly Sheller Avenue Interchange would place greater pressures on the existing interchanges located north of the Project area (in the Edenvale Area), and increase traffic congestion at key intersections within the Campus Industrial Area. This alternative may have greater biological impacts. The FEIR identified a Great Blue heron rookery at this portion of Coyote Creek which would be disturbed by this alignment.

In addition, the Scheller Avenue interchange is at the edge of the City's Urban Service Area, within the City's Coyote Valley Urban Reserve. Completing the interchange may create pressures for premature development in central Coyote, and therefore would be considered growth-inducing.

The Scheller Avenue Interchange does not represent an environmentally superior alternative to the proposed Project.

2. **Findings:** This alternative would not be consistent with the Project objectives which is to improve the transportation, circulation and access to the North Coyote Valley Campus Industrial area. This alternative would not have the beneficial impacts of alleviating traffic pressures on northerly interchanges (Bernal Road, Silicon Valley Boulevard etc.). In addition, this alternative could be considered growth inducing by opening access to the Coyote Valley Urban Reserve.

C. ALERNATIVE ALIGNMENT FOR TRAIL CORRIDOR

This alternative would consist of providing a trail connection from the Bailey Avenue bridge over Coyote Creek to the Coyote Creek Regional Trail located below the proposed bridge. Possible future pedestrian access down the bridge slope embankments could be accommodated with openings in the guardrail. Potential equestrian access could be provided in the proposed 8-foot shoulders included in the roadway design or along the southerly toe of the embankments for the Monterey Road overcrossing.

1. **Comparison to the Project:** This alternative would provide trail access to the Coyote Creek Trail. However, this alternative would cause potential safety hazards. Equestrian use along the proposed 8-foot shoulder would mix horses with traffic, particularly at the ramp junctions on Bailey Avenue just east of Monterey Road. Safety could be improved by installing high fences but that would eliminate the roadway shoulder and preclude bicycles from using the shoulder. Alternately, if equestrian access was provided at the toe of the embankment it would cause a conflict

by creating an at-grade crossing of the Union Pacific Railroad line. The main goal of the proposed Project in providing the Monterey Road overcrossing is to eliminate at-grade safety hazards.

2. **Finding:** This alternative would not represent an ideal alternative for a trail corridor connection from Bailey Avenue to the Coyote Creek Regional Trail from a functional standpoint and does not meet the Project objective of eliminating safety hazards. Therefore, this alternative is not environmentally superior to the proposed Project.

STATEMENT OF OVERRIDING CONSIDERATIONS

The City Council of the City of San Jose adopts and makes the following Statement of Overriding Considerations regarding the significant, unavoidable impacts of the Project and the anticipated benefits of the Project.

I. SIGNIFICANT UNAVOIDABLE IMPACTS

With respect to the foregoing findings and in recognition of those facts, which are included in the record, the City has determined that if this Project is implemented, it would have the following significant unavoidable impacts as disclosed in the FEIR for the Project:

- Loss of Agricultural Land

II. BENEFITS OF THE PROJECT

The City Council has considered the FEIR, the Addendum to the FEIR, the public record of the proceedings on the proposed Project and other written materials presented to the City as well as oral and written testimony at all public hearings related to the Project, and does hereby determine that implementation of the Project would result in the following substantial public benefits:

- The interchange would maximize the economic potential of the North Coyote Valley consistent with the City Economic Development, Growth Management, and Sustainable City Strategies to provide transportation capacity to allow a portion of the North Coyote Valley to develop in the near-term creating needed employment opportunities in an area where existing or planned housing can accommodate the additional workforce. The project supports the City's desire to balance jobs and housing consistent with the City's Balanced Community, Industrial Development and Economic Development goals and policies.

- The proposed Project will further the goals and policies of the General Plan's Economic Development Strategy by supporting access to the campus industrial area. The Project will provide unparalleled access to North Coyote Valley. There is currently no direct access to the North Coyote Project Area from U.S. 101.

- The proposed Project meets the City's transportation goals and policies by providing a facility that will alleviate traffic congestion accessing U. S. Highway 101 from planned and existing industrial development in the area.

ADOPTED and issued this 9th day of February, 1999, by the following vote:

AYES: CHAVEZ, DIAZ, DIQUISTO, FISCALINI, LeZOTTE, MATTHEWS, POWERS, SHIRAKAWA; GONZALES

NOES: NONE

ABSENT: DANDO, WOODY

Ron Gonzales, Mayor

ATTEST:

PATRICIA L. O'HEARN,
City Clerk

RESOLUTION NO. 68705

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOSE MAKING CERTAIN FINDINGS CONCERNING IMPACTS AND MITIGATION MEASURES, IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR U.S. 101/BAILEY AVENUE INTERCHANGE, MONTEREY ROAD/BAILEY AVENUE INTERCHANGE AND BRIDGE AND OVERCROSSING PROJECT FOR WHICH AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE:

WHEREAS, the City Council intends to approve construction of the Bailey Avenue Extension, U.S. 101/Bailey Avenue Interchange, Monterey Road/Bailey Avenue Interchange and related bridge Project ("Project"); and

WHEREAS, on November 20, 1991, the Planning Commission of the City of San Jose certified that the Final Environmental Impact Report ("FEIR") for the U.S. 101/Bailey Avenue Interchange, Monterey Road/Bailey Avenue Interchange, and Related Bridges and Overcrossings Project, and subsequently an Addendum to the Final EIR was completed in January 1999 specifically for the Bailey Avenue Project in accordance with the requirements of the California Environmental Quality Act of 1970, as amended, ("CEQA"); and

WHEREAS, the City Council of the City of San Jose is the decision-making body for the approval of public infrastructure improvements within the City; and

WHEREAS, CEQA requires that in connection with the approval of a Project for which an EIR identifies one or more significant environmental effects, the decision-making agency must make certain findings regarding those effects;

NOW, THEREFORE, BE IT RESOLVED:

THAT THE CITY COUNCIL does hereby find that it has independently reviewed and analyzed the FEIR, the Addendum to the FEIR, and other information in the record and has considered the information contained therein including the written and oral comments received at the public hearings on the FEIR and on the Project, prior to acting upon or approving the Project, and does hereby find that the FEIR and the Addendum to the FEIR represent the independent judgment of the City of San Jose as Lead Agency for the Project, and designates the Director of Planning, Building and Code Enforcement at his office at 801 North First Street, Room 400, San Jose, California 95110, as the custodian of documents and records of proceedings on which this decision is based; and

THAT THE CITY COUNCIL does hereby make the following findings with respect to the significant effects on the environment of the Project, as identified in the FEIR and the Addendum:

I. LAND USE

A. Land Use/Relocation

1. **Impact:** The Bailey Avenue overcrossing at Monterey Road would result in the displacement of an occupied mobile home at the southwest quadrant of the intersection.

2. **Mitigation:** The loss of the mobile dwelling would be mitigated under the existing City program for Housing Relocation Assistance.

3. **Finding:** The implementation of these mitigation measures, as identified in the Final EIR, would reduce the significant land use/relocation impacts to a **less than significant level.**

B. Public Facilities and Utilities

1. **Impact:** The proposed Project would necessitate the relocation of portions of Santa Clara Valley Water District Coyote Canal and the County Parks Department's bicycle/hiking path which traverse the future right of way. During construction, the relocation of existing utilities such as power and telephone lines would be necessary. In addition, an existing septic system, fuel tanks, and an existing well may be located within the proposed Bailey Avenue right-of-way along the Lester property frontage which could be subject to impacts during construction activities.

2. **Mitigation:** The restoration of the public facilities would be undertaken as part of Project construction, in cooperation with the responsible agencies. Whenever possible work that would affect utilities would be restricted to periods of low demand to minimize impact on the users. In order to maintain continued operation of the Coyote Canal through the Bailey Avenue/ U.S. 101 freeway interchange temporary diversions would be required at the future inlet and outlet locations to permit construction of new headwalls.

   If necessary, the septic system may be abandoned pursuant to the City of San Jose's Standard Specifications. Any required removal of fuel tanks from the Lester property would proceed in accordance wit the City of San Jose's Hazardous Materials Storage Permit Ordinance. The abandonment and capping of the well would require the approval of the Santa Clara Valley Water District.

3. **Finding:** The implementation of these mitigation measures. as identified in the Final EIR, would reduce the significant land use impacts to a **less than significant level.**

C. **Loss of Agricultural Land**

1. **Impact:** The Project would convert 28.3 acres of prime agricultural land to non-agricultural uses.

2. **Finding:** No feasible mitigation is available that would fully mitigate the Project's significant impact on agricultural resources. This impact is considered to be a **significant unavoidable impact.**

D. **Construction Impacts**

1. **Impact:** During construction of the bridge across Coyote Creek, some interruption of the use of the existing hiking/biking path along the east bank of the creek would occur. Construction activity would result in short-term traffic, access, and noise impacts.

2. **Mitigation:** The construction phasing plan would include provisions to minimize the period of interrupted use of the hiking/biking path. In addition, the construction contract documents would include standard measures to reduce dust, noise and erosion.

At the Bailey Avenue/ U.S. 101 interchange, some traffic rerouting would be required during construction of the bridge over U.S. 101. Restriping and placement of temporary barricades would be required on the mainline freeway during some portions of the construction period and the freeway would be closed during the placement and removal of false work for construction of the bridge deck, requiring a temporary traffic detour to Monterey Road to the west.

At the Bailey Avenue/Monterey Road interchange, Bailey Avenue would be closed to traffic for the duration of construction to accommodate the placement of ramp fills on the existing Bailey Avenue. Given the infeasibility of relocating the railroad grade crossing around the fills until the overcrossing is completed, traffic would be diverted to alternate routes to the north and/or south. Additionally, the narrow median on Monterey Road would require restriping of the travel lanes and placement of temporary barriers to permit construction of the central support columns for the grade separation crossing. Monterey Road would be closed and traffic detoured to Santa Teresa Boulevard during the placement and removal of falsework and box girders for construction of the bridge deck.

To minimize impacts on emergency services, local agencies would be kept informed in advance of any major changes in the local street network to ensure that alternative response patterns could be established.

Temporary noise impacts would be reduced by limiting construction in the vicinity of residences and other sensitive receptors to daytime hours between 7:30 a.m. and 5:00 p.m.

3. **Finding:** With the inclusion of the mitigation program described above, potential impacts from construction would be reduced to **a less than significant level.**

II. GEOLOGY AND SOILS

A. Soils and Geologic Hazards

1. **Impact:** An existing landslide on the east side of the proposed freeway interchange at Bailey Avenue could have the potential impact of causing distress to the proposed Santa Clara Water District culvert and maintenance access road.

2. **Mitigation:** The landslide mass would be removed, and the fill below the proposed box culvert would be keyed and benched in accordance with State specifications.

3. **Finding:** The implementation of these mitigation measures, as identified in the Final EIR, would reduce the significant soils and geologic impacts to a **less than significant level.**

B. Seismic Impacts

1. **Impacts:** The majority of the floor of Coyote Valley is underlain by alluvial soils with a high potential for liquefaction. Lateral spreading could occur along creek channels. In addition, portions of the Project Area are within the potential inundation zone should Anderson Reservoir dam fail during an earthquake. Ground shaking during a large-magnitude earthquake could result in seismically induced settlement of fills and embankments, and would cause stress to bridge structures. No active or potentially active faults are known to underlay the proposed bridges, overpasses or approach ramps. The nearest approach of any fault is the potentially active Coyote Creek fault zone, which passes a few hundred feet northeast of U.S. 101. A previously unknown fault could rupture the ground surface and displace roadway surfaces and structures.

2. **Mitigation:** Seismic hazards to the proposed Project will be mitigated by utilizing design and construction practices in accordance with the recommendations of a site specific geotechnical analysis and City and Caltrans standards. Damage can be minimized by proposed engineering and construction of fills, embankments and structures.

3. **Finding:** The implementation of the measure described above would reduce the Project's seismic impacts to a **less than significant level.**

III. DRAINAGE, FLOODING & WATER QUALITY

A. Flooding and Drainage

1. **Impact:** The piers required for the bridge across Coyote Creek at Bailey Avenue would be located within the 100-year floodway of Coyote Creek, and would potentially result in a small decrease in flood conveyance capacity of the creek channel during a major flood event.

2. **Mitigation:** The loss of channel capacity would be compensated for by excavation and removal of approximately 1,000 cubic yards of material from the floodway in the vicinity to provide additional conveyance just downstream of the bridge.

3. **Finding:** The implementation of these mitigation measures, as identified in the Final EIR, would reduce the significant Flooding and Drainage impacts to a less than significant level.

B. **Water Quality**

1. **Impact:** During grading and construction, exposed soils are subject to erosion, potentially resulting in increased turbidity and sedimentation in Coyote Creek, with potentially negative effects on aquatic organisms, riparian vegetation and hydraulic capacity of the Creek. The Project in conjunction with other non-point sources in the Coyote Creek basin could cumulatively contribute to the gradual degradation of water quality in Coyote Creek and South San Francisco Bay.

2. **Mitigation:** Erosion and siltation potential during construction would be minimized through the implementation of Erosion Control Plans to be incorporated into the construction contracts, and the requirements of the Department of Fish and Game in conjunction with the Streambed Alteration Agreement required for any work within the channel.

The Project will obtain and conform to the requirements of the General NPDES Construction Activity Stormwater Permit administered by the Regional Water Quality Control Board. Best management practices would be included in the Project to limit urban runoff contaminants from entering storm drains. Prior to construction grading the applicant will file a Notice of Intent (NOI) to comply with the General Permit and prepare a Storm Water Pollution Prevention Plan (SWPPP) which addresses measures that will be included in the Project to minimize and control construction and post-construction runoff.

a) The project grading plans will conform to the drainage and erosion control standards adopted by the City of San Jose.

b) As part of the mitigation for post-construction runoff impacts addressed in the SWPPP, the project will implement regular maintenance activities (i.e., damp sweeping, cleaning storm water inlets, litter control) at the site to prevent soil, grease, and litter from accumulating on the project site and contaminating surface runoff. Storm water catch basins will be stenciled to discourage illegal dumping.

c) The site will also be required to comply with the City's post-construction storm water runoff requirements. Measures such as storm drain inlet filters (oil/water filter, fossil filter, etc.) will be used to limit contamination of urban runoff.

d) The project's drainage system shall include storm water prevention measures such as swales or filter inlets.

3. **Finding:** The implementation of these mitigation measures, as identified in the Final EIR, would reduce the significant Water Quality impacts to a less than significant level.

IV. BIOLOGICAL RESOURCES

A. Riparian Impacts

1. **Impact:** The construction of the new bridge over Coyote Creek would result in the removal of approximately 0.05 acres of riparian woodland along the banks of the creek.

2. **Mitigation:** Construction practices to minimize disturbance and removal of riparian woodland along the creek channel would be implemented including limiting the construction zone for the bridge to a 10-foot limit on both sides of the bridge. To compensate for loss or disturbance of riparian habitat, new riparian habitat would be created in the vicinity of where the roadway would cross the creek. Upland areas on the east side of the creek totaling 2.75 acres would be planted with replacement trees at a 5 to 1 replacement ratio. The mitigation site would be prepared in the Fall and planted just prior to water being diverted into the creek in January in cooperation with the Department of Fish and Game, the Santa Clara Valley Water District and Santa Clara County Department of Parks and Recreation.

   All disturbed bank faces are to be covered with degradable erosion control fabric and replanted with native seed mixture by hydroseeding and container grown plants. All disturbed areas not lying within the mitigation site described above are to be re-vegetated with native species that are appropriate to the specific site area on which they are occupied.

3. **Finding:** The implementation of this mitigation measure would reduce the impact to riparian woodland to a **less than significant level.**

B. Mature Trees

1. **Impact:** The Project would result in the removal of ordinance sized trees.

2. **Mitigation:** Trees would be replaced in the non-riparian areas according to the City's standards. . Ordinance sized trees removed will be replaced at a minimum ratio of 4:1, with trees in 24-inch box size, or larger, containers. The removal of trees from the riparian area would require additional replacement planting in accordance with the riparian mitigation plan, including conformance with the City of San Jose landscaping guidelines. Other trees not removed by the project would be protected during construction by temporary fencing around the dripline to prevent damage to the trees or compaction of the soil beneath the tree canopies. Where construction activity under a portion of a tree canopy cannot be avoided, a layer of tree chips six to eight inches thick would be laid down to provide a cushion over the root zone.

3. **Finding:** The implementation of this mitigation measure would reduce the impact to trees to a **less than significant level.**

C. Impacts to Sensitive Species

1. **Impact:** There is a potential that the California Red-legged Frog, Steelhead Trout, and White-tailed Kite and other species protected under the Migratory Bird Treaty Act could be present in the Project area. Construction activities could impact these species.

2. **Mitigation:** Preconstruction surveys are included in the project to ensure that there would be no impacts to the White-tailed kite or other birds covered by the Migratory Bird Treaty Act. If birds are found during the nesting season, all construction would stop within a 50 foot radius, and a temporary fence shall be installed around the tree to ensure that there would be no impacts to nesting birds. The California Department of Fish and Game would be contacted to determine when work could resume.

Although no known Red-legged Frogs are known to inhabit the Project site, protocol level preconstruction surveys will be conducted to ensure the frog is not present. If frogs are found site specific mitigation measures would be prepared and submitted to the California Department of Fish and Game.

In order to ensure that the Steelhead Trout is not impacted, construction would take place in the creek channel when there are no surface flows (June 1st to October 15th). In addition, the low-flow of the creek will be conveyed through the construction site in an open channel to allow the passage of any fish which may be present. Construction activities in the creek shall be minimized and the creek channel will be restored after construction. Measures that would minimize sediment runoff include: 1) stabilizing disturbed areas as soon as possible with seeding or mulch, 2) protecting adjacent areas with vegetative buffer strips and sediment barriers, 3) preventing erosion from temporary conveyance channels and outlets, and 4), using sediment controls and filtration to remove sediment from water generated by dewatering or collected on site during construction.

3. **Finding:** The implementation of these mitigation measures, as proposed by the Project, would reduce impacts to sensitive species to a **less than significant level.**

D. **Mount Hamilton Thistle**

1. **Impact:** A small area of serpentine soil could be impacted by construction of the Bailey Avenue/101 interchange. This could result in possible loss of a small area of habitat for the Mount Hamilton Thistle, a California Native Plant Society 1B plant. This plant was observed during surveys in 1991 but could not be confirmed during surveys conducted in 1998.

2. **Mitigation:** Potential impacts to the thistle could be reduced by conducting pre-construction surveys. If the Mount Hamilton Thistle is present, the plant would be transplanted prior to construction by a qualified biologist, including the top soil that would be a potential seed source. Construction staging areas, construction yards or other high use areas would be restricted and would be kept to a minimum in areas that contain serpentine soil.

3. **Finding:** The implementation of these mitigation measures, as proposed by the Project, would reduce impacts to sensitive species to a **less than significant level.**

V. AIR QUALITY

1. **Impact:** Construction activities will produce short-term air quality impacts by generating dust from the demolition of small portions of the existing roadway and by the hauling, filling and grading needed to form the base for the new lanes.

2. **Mitigation:** During project construction, water trucks will sprinkle unpaved construction areas with non-potable water as often as needed to keep soil moist. This measure could reduce emissions by about 50%. In addition, Caltrans standards for dust suppression would be followed including provisions for temporary erosion protection with mulches, fiber mats, dust palliatives, etc, and for timely planting of slopes to permanently abate wind erosion etc.

3. **Finding:** The implementation of the above described mitigation measures would reduce the Projects temporary air quality impacts to a **less than significant level.**

VI. CULTURAL RESOURCES

1. **Impacts:** Grading and subsurface construction activities could result in significant impacts to subsurface cultural resources.

2. **Mitigation:** The following mitigation measures are included as part of the Project:

   a) All subsurface excavation would include archaeological monitoring. During construction a monitoring agreement shall be in operation that provides monitors with the recognized authority to halt and/or relocate construction work in the event of any significant discovery, in order to record, and if necessary, evaluate and recover important archaeological resources. The monitoring agreement shall contain provisions to catalog, curate, and report upon any materials recovered during monitoring.

   b) If human remains are discovered work shall be halted within 50 feet of the find and the Santa Clara County Coroner would be notified. The Coroner would determine whether or not the remains were Native American. If the Coroner determines that the remains are not subject to his authority, he would notify the Native American Heritage Commission, who would attempt to identify descendants of the deceased Native American.

   c) If the Director of Planning, Building and Code Enforcement finds that the archaeological find is not a significant resource, work would resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted.

3. **Finding:** With the inclusion of the mitigation program described above, potential impacts to subsurface prehistoric and historic archaeological resources would be reduced to a **less than significant level.**

VI. AESTHETIC AND VISUAL RESOURCES

1. **Impact:** The construction of the highway bridge over Coyote Creek would alter the rural setting within the Coyote Creek Park Chain by the introduction of structural elements, and by the removal of riparian vegetation along the creek.

2. **Mitigation:** The bridge would be designed to be as unobtrusive as possible by keeping the bridge spans and elevations to the minimum required. During construction, the zone of disturbance would be minimized to avoid unnecessary removal of riparian vegetation. Any removal of vegetation would be mitigated by replacement planting in conformation with tree mitigation developed by a qualified biologist.

3. **Finding:** With the inclusion of the mitigation program described above, potential aesthetic and visual impacts from construction would be reduced to a **less than significant level.**

VII. ALTERNATIVES TO THE PROPOSED PROJECT

A. NO PROJECT

Under this alternative, the proposed transportation Project would not be constructed. Portions of the alignment could continue to be farmed.

1. **Comparison to Project:** The No Project Alternative would avoid most of the Project's adverse environmental impacts, including loss of agricultural land. However, the Project area is planned for campus industrial uses. Under the No Project alternative, there would be no direct access to the North Coyote Valley Campus Industrial area. Without the interchange and extension of Bailey Avenue it is expected that traffic congestion would occur as the Project area becomes developed. If the Project is not constructed, the benefit of improving overall traffic levels in the vicinity of the Project site would not be gained.

2. **Finding:** The No Project Alternative is environmentally superior to the proposed Project, since it avoids most of the impacts of the Project; however, the No Project Alternative would not meet any of the Project's objectives such as the provision of an improved transportation/circulation system to serve existing and planned development in this immediate area. The No Project Alternative would constrain development within North Coyote Valley which does not meet any of the City's identified economic objectives or environmental objectives such as providing employment opportunities proximate to existing housing to reduce commute distances and improve the jobs/housing balance.

B. U.S. 101/SCHELLER AVENUE INTERCHANGE

Currently the interchange at Scheller Avenue only provides access to the landfill site at Kirby Canyon. No connection currently exists to provide access to the west and Coyote Valley. This alternative consists of constructing ramps and an access road to provide a full interchange with U.S. 101 and extend access westerly to Monterey Road.

1. **Comparison to the Project:** This alternative is not considered desirable from an operational standpoint because it is located too far south from the North Coyote Valley Campus Industrial Area to provide adequate access to the area for traffic coming from the north. Under the proposed Project the Bailey Avenue Interchange would serve traffic coming to the Project area from both the north and south. Since the major portion of the traffic entering North Coyote Valley is expected to come from the north, the elimination of the Bailey Avenue Interchange in favor of a southerly Sheller Avenue Interchange would place greater pressures on the existing interchanges located north of the Project area (in the Edenvale Area), and increase traffic congestion at key intersections within the Campus Industrial Area. This alternative may have greater biological impacts. The FEIR identified a Great Blue heron rookery at this portion of Coyote Creek which would be disturbed by this alignment.

In addition, the Scheller Avenue interchange is at the edge of the City's Urban Service Area, within the City's Coyote Valley Urban Reserve. Completing the interchange may create pressures for premature development in central Coyote, and therefore would be considered growth-inducing.

The Scheller Avenue Interchange does not represent an environmentally superior alternative to the proposed Project.

2. **Findings:** This alternative would not be consistent with the Project objectives which is to improve the transportation, circulation and access to the North Coyote Valley Campus Industrial area. This alternative would not have the beneficial impacts of alleviating traffic pressures on northerly interchanges (Bernal Road, Silicon Valley Boulevard etc.). In addition, this alternative could be considered growth inducing by opening access to the Coyote Valley Urban Reserve.

C. ALERNATIVE ALIGNMENT FOR TRAIL CORRIDOR

This alternative would consist of providing a trail connection from the Bailey Avenue bridge over Coyote Creek to the Coyote Creek Regional Trail located below the proposed bridge. Possible future pedestrian access down the bridge slope embankments could be accommodated with openings in the guardrail. Potential equestrian access could be provided in the proposed 8-foot shoulders included in the roadway design or along the southerly toe of the embankments for the Monterey Road overcrossing.

1. **Comparison to the Project:** This alternative would provide trail access to the Coyote Creek Trail. However, this alternative would cause potential safety hazards. Equestrian use along the proposed 8-foot shoulder would mix horses with traffic, particularly at the ramp junctions on Bailey Avenue just east of Monterey Road. Safety could be improved by installing high fences but that would eliminate the roadway shoulder and preclude bicycles from using the shoulder. Alternately, if equestrian access was provided at the toe of the embankment it would cause a conflict

by creating an at-grade crossing of the Union Pacific Railroad line. The main goal of the proposed Project in providing the Monterey Road overcrossing is to eliminate at-grade safety hazards.

2. **Finding:** This alternative would not represent an ideal alternative for a trail corridor connection from Bailey Avenue to the Coyote Creek Regional Trail from a functional standpoint and does not meet the Project objective of eliminating safety hazards. Therefore, this alternative is not environmentally superior to the proposed Project.

STATEMENT OF OVERRIDING CONSIDERATIONS

The City Council of the City of San Jose adopts and makes the following Statement of Overriding Considerations regarding the significant, unavoidable impacts of the Project and the anticipated benefits of the Project.

I. SIGNIFICANT UNAVOIDABLE IMPACTS

With respect to the foregoing findings and in recognition of those facts, which are included in the record, the City has determined that if this Project is implemented, it would have the following significant unavoidable impacts as disclosed in the FEIR for the Project:

- Loss of Agricultural Land

II. BENEFITS OF THE PROJECT

The City Council has considered the FEIR, the Addendum to the FEIR, the public record of the proceedings on the proposed Project and other written materials presented to the City as well as oral and written testimony at all public hearings related to the Project, and does hereby determine that implementation of the Project would result in the following substantial public benefits:

- The interchange would maximize the economic potential of the North Coyote Valley consistent with the City Economic Development, Growth Management, and Sustainable City Strategies to provide transportation capacity to allow a portion of the North Coyote Valley to develop in the near-term creating needed employment opportunities in an area where existing or planned housing can accommodate the additional workforce. The project supports the City's desire to balance jobs and housing consistent with the City's Balanced Community, Industrial Development and Economic Development goals and policies.

- The proposed Project will further the goals and policies of the General Plan's Economic Development Strategy by supporting access to the campus industrial area. The Project will provide unparalleled access to North Coyote Valley. There is currently no direct access to the North Coyote Project Area from U.S. 101.

- The proposed Project meets the City's transportation goals and policies by providing a facility that will alleviate traffic congestion accessing U. S. Highway 101 from planned and existing industrial development in the area.

ADOPTED and issued this 9th day of February, 1999, by the following vote:

AYES: CHAVEZ, DIAZ, DIQUISTO, FISCALINI, LeZOTTE, MATTHEWS, POWERS, SHIRAKAWA; GONZALES

NOES: NONE

ABSENT: DANDO, WOODY

Ron Gonzales, Mayor

ATTEST:

PATRICIA L. O'HEARN,
City Clerk